

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 12-2004)

ATTORNEY'S DOCKET NUMBER

SERVIER 451 PCT

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/530945**INTERNATIONAL APPLICATION NO.  
PCT FR2003 002987INTERNATIONAL FILING DATE  
October 10, 2003PRIORITY DATE CLAIMED  
October 11, 2002

## TITLE OF INVENTION

Association between a heterocyclic compounds and an antioxidant agent and pharmaceutical compositions containing them.

## APPLICANT(S) FOR DO/EO/US

Louis CASTELLA, Luc PENICAUD, Pascal BERTHELOT, Catherine DACQUET and Pierre RENARD

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:


13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 665491163 US
23. ☒ Other items or information:

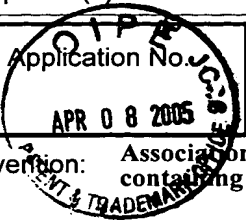
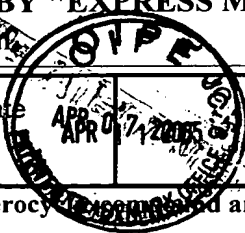
USPTO Form 1449

Claim to Foreign Priority benefits under 35USC § 119

Certified copy of French Priority 02.12648

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. <b>10/530945</b> <small>(# known, see 37 CFR 1.5)</small>		INTERNATIONAL APPLICATION NO. <b>PCT FR2003 002987</b>		ATTORNEY'S DOCKET NUMBER <b>SERVIER 451 PCT</b>	
24. The following fees are submitted:				<b>Applicant use</b>	<b>Office use</b>
<input checked="" type="checkbox"/> a) Basic national fee ..... <b>\$300.00</b>				\$	\$300.00
<input checked="" type="checkbox"/> b) Examination fee ..... <b>\$200.00</b>				\$	\$200.00
<input checked="" type="checkbox"/> c) Search fee ..... <b>\$500.00</b>				\$	\$500.00
<b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>				\$	\$1,000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
18 - 100 =	-82 /50 =	-1	x \$250.00	\$	(\$250.00)
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	14 - 20 =	0	x \$50.00	\$	\$0.00
Independent claims	1 - 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	\$1,000.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
<b>SUBTOTAL =</b>				\$	\$1,000.00
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
<b>TOTAL NATIONAL FEE =</b>				\$	\$1,000.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
<b>TOTAL FEES ENCLOSED =</b>				\$	\$1,000.00
Amount to be refunded:					\$
Amount to be charged:					\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <b>\$1,000.00</b> to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is					
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>08-3220</b> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: <b>THE FIRM OF HUESCHEN AND SAGE</b> <b>500 COLUMBIA PLAZA</b> <b>350 EAST MICHIGAN AVENUE</b> <b>KALAMAZOO, MI 49007</b>				 SIGNATURE <b>G. PATRICK SAGE</b> <hr/> NAME <b>37,710</b> <hr/> REGISTRATION NUMBER	

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No. <b>SERVIER 451 PCT</b>	
Applicant(s): <b>Louis CASTEILLA, et al.</b>				
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit
				
Invention: Association between a heterocyclic compound and an antioxidant agent, and pharmaceutical compositions containing them.				

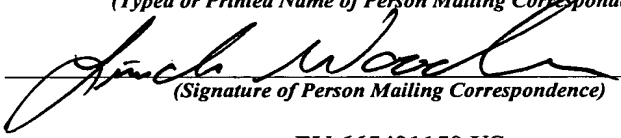
I hereby certify that the following correspondence:

Certified translation of International Patent Application PCT FR2003 002986(18 Pg.), Transmittal Letter, Declaration / PowerAttorney, ISE, IPER, USPTO Form 1449, listing of claims, preliminary amendment, Certified copy of French Application 02.12648 & Translation thereof, and check no. 73430 for \$1,000.00.

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

April 8, 2005  
(Date)

Linda Wooden  
(Typed or Printed Name of Person Mailing Correspondence)  
  
(Signature of Person Mailing Correspondence)  
EV 665491150 US  
( "Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I, ADRIAN PAUL BROWN, M.A., M.I.L., M.I.T.I., declare

1. That I am a citizen of the United Kingdom of Great Britain and Northern Ireland, residing at 5 Gilbert Road, London, SE11 4NZ.
2. That I am well acquainted with the French and English languages.
3. That the attached is a true translation into the English language of the certified copy of French Patent Application No. 02 12648 filed on 11<sup>th</sup> October 2002.
4. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardise the validity of the patent application in the United States of America or any patent issuing thereon.

DECLARED THIS 31<sup>st</sup> DAY OF JANUARY 2005



A P BROWN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I, **ADRIAN PAUL BROWN, M.A., M.I.L., M.I.T.I.**, declare

1. That I am a citizen of the United Kingdom of Great Britain and Northern Ireland, residing at 5 Gilbert Road, London, SE11 4NZ.
2. That I am well acquainted with the French and English languages.
3. That the attached is a true translation into the English language of the Request and Specification as filed of International Patent Application No. PCT/FR2003/002987.
4. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardise the validity of the patent application in the United States of America or any patent issuing thereon.

DECLARED THIS 31<sup>st</sup> DAY OF JANUARY 2005



**A P BROWN**